

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

3 DAVID R. CALLAWAY (CASBN 121782)
Assistant United States Attorney

4
5 150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5596
Facsimile: (408) 535-5066
E-Mail: david.callaway@usdoj.gov

6
7
8 Attorneys for Plaintiff

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 91-20078 PVT
14 Plaintiff,) GOVERNMENT'S REQUEST TO DISMISS
15 v.) INFORMATION AND RECALL ANY
16 MICHAEL A. PESTRANO,) OUTSTANDING WARRANTS ISSUED
17 Defendant.) THEREON; ORDER [PROPOSED]
18
19

20 COMES NOW THE UNITED STATES OF AMERICA appearing through the undersigned
21 Assistant United States Attorney and moves this Honorable Court for an order dismissing the above-
22 captioned Information and recalling any outstanding warrants issued based on that Information. The
23 facts supporting this request are as follows:

24 Defendant was charged by Information on June 26, 1991. The court's docket reflects no
25 further activity. In view of the age of the case, and its status as a misdemeanor, the government
26 respectfully asks the Court to dismiss the Information in the interests of justice, and to recall any
27 outstanding warrants issued thereon.

28 //

Request to Dismiss Information; Order

FILED

2010 JAN 20 P 2:14

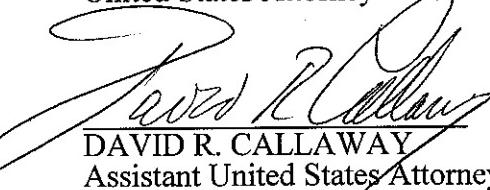
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CALIFORNIA

1 Accordingly, the government respectfully requests that the above-captioned Information be
2 dismissed and that any warrants issued thereon be recalled.

3 DATED: January 18, 2010

4 Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
United States Attorney

6 
7
8 DAVID R. CALLAWAY
9 Assistant United States Attorney

10 **ORDER**

11 Upon application of the United States, and good cause having been shown therefor,

12 **IT IS HEREBY ORDERED** that the above-captioned Information is DISMISSED, and
13 any warrants outstanding against this defendant are RECALLED.

14 
15 PATRICIA V. TRUMBULL
16 United States Magistrate Judge

17 1/19/2010